

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KASSIUS ORLANDO BENSON,

Defendant.

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**UNOPPOSED MOTION TO
VACATE TRIAL DATE AND
SCHEDULING AND LITIGATION
MANAGEMENT DEADLINES AND
TO EXCLUDE TIME UNDER
SPEEDY TRIAL ACT**

Court File No.: 23-CR-36 (JRT/JFD)

Undersigned counsel, on behalf of Kassius Benson, Defendant in the above-captioned case, respectfully move the Court for an Order vacating the present trial date of December 4, 2023 and converting that to a status hearing, vacating the remaining dates set forth in the Fourth Amended Pretrial Scheduling and Litigation Management Order, (ECF No. 38) and excluding time under the Speedy Trial Act until December 4, 2023. Good cause exists for this Motion, which the Government does not oppose.

1. As detailed in previous unopposed Motions to Continue and Extend the Scheduling and Litigation Management Deadlines, counsel for Mr. Benson and counsel for the Government have been engaged in extensive discussions regarding potential resolution of this matter. Those discussions have been productive and the parties have reached an agreement. Final details are being completed and the parties are comfortable vacating the trial date and removing the corresponding dates set forth in the scheduling order (ECF No. 38) so as to free up the

Court's calendar and to allow the Government to release its potential witnesses from motions hearing and trial date holds.

2. The parties and the Court have the date of December 4, 2023 presently blocked for trial before Judge John R. Tunheim. Counsel for Mr. Benson requests that date be converted to a status hearing; the parties anticipate that at that hearing the resolution will be finalized with the Court, and Mr. Benson will change his plea on this date. The parties will provide the Court all necessary documentation in advance of that hearing.

3. Undersigned counsel has communicated with Trial Attorney Christopher Lin, who has indicated that the Government does not oppose this Motion.

4. Mr. Benson specifically agrees to waive his speedy trial rights for the purposes expressed in this Motion and has executed the attached declaration filed simultaneously herewith. Accordingly, the parties agree that the time limits set by the Speedy Trial Act, 18 U.S.C. § 3161 are inadequate, that the consideration in this case outweighs the interests of the public and the defendant in a speedy trial, and that the requested relief will serve the ends of justice. Therefore, undersigned counsel for the Defendant respectfully request that the Court revise the Scheduling Order consistent with the requests in this Motion by vacating the trial date and all related dates, and converting the December 4, 2023 date to a status hearing for the above-described purpose.

Respectfully submitted,

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Dated: October 9, 2023

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users. All attorneys in this case are registered CM/ECF users and will, therefore, be directly notified of the filing.

October 9, 2023

/s/ Edward J. Ungvarsky